IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2007

CORAM :

THE HON'BLE MR. JUSTICE S.TAMILVANAN

A.S.No.852 of 1996

The Special Tahsildar
(Land Acquisition)
BHEL Unit, Ranipet. .... Appellant/Referring Officer

vs.

1. Amirthammal
2. Guna
3. Minor Selvi
4. Minor Uma ..... Respondents/Claimants
(Minor respondents 3 and 4
represented by Guardian
Amirthammal)

Appeal filed against the Judgment and Decree, dated 10.01.1990 made in L.A.O.P.No.4 of 1984 on the file of the Additional Subordinate Judge, Vellore.

For Appellant : Mr.V.Ravi, Spl.G.P. (AS)
For Respondents : No appearance

JUDGMENT

This appeal has been preferred against the Judgment and Decree, dated 10.01.1990 made in L.A.O.P.No.4 of 1984 on the file of the Land Acquisition Tribunal / Additional Sub Court, Vellore.

2. It is an admitted fact that an extent of 4 cents of land in S.No.55/2 and another 4 cents of land in S.No.56 of Narasingapuram Village, Walajah Taluk, N.A. District was acquired by the Special Tahsildar (Land Acquisition), BHEL, Ranipet.

3. The Land Acquisition Officer had fixed the market value of the acquired land at Rs.55.56/- per cent. The respondents / claimants had received the compensation amount under protest and at their request, the matter was referred under Section 18 of the Land Acquisition Act. During the pendency of the land acquisition proceedings, the claimant Chinnasamy died and his legal representatives were brought on record as claimants.

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4. On the side of the claimants, the first respondent, second claimant was examined as C.W.1. The sale deed, dated 27.06.1979 was marked as Ex.A.1. On the side of the appellant, the then Land Acquisition Officer was examined as R.W.1, apart from marking Exs.B.1 to B.10.

5. Considering the oral and documentary evidence, the trial Court fixed the compensation for the acquired land at Rs.250/- per cent and accordingly, directed the appellant to pay compensation for the acquired 8 cents of land with 12% additional amount, 30% solatium and interest as per Section 23 of the Land Acquisition Act. Aggrieved by which, this appeal has been preferred by the Land Acquisition Officer.

6. It is not in dispute that the acquired land, as per the land acquisition proceeding is only a meagre extent of 8 cents, classified as wet land, as per revenue records. It is not in dispute that the acquired land is situated nearby the main road in a developed area. According to the claimant, who was examined as C.W.1, the acquired land is a fertile agricultural land fit to be converted into house site and she had claimed compensation for fixing the market value of the acquired land at Rs.500/- per cent. The trial court, considering the potential value of the acquired land situated nearby the railway station abutting the main road in a developed area has fixed the market value of the land only at Rs.250/- per cent. The acquired land is also a smaller extent of 8 cents.

7. Considering the evidence both oral and documentary and also the facts and circumstances, this Court is of the view that there is no error or infirmity in fixing the market value of the acquired land at Rs.250/- per cent and accordingly, the respondents / claimants are entitled to get compensation for the acquired land with 12% additional amount from the date of 4(1) Notification till the date of taking over possession, 30% solatium and interest, as per Section 23 of the Land Acquisition Act. Therefore, the appeal preferred by the land acquisition officer fails.

8. In the result, confirming the Judgment and Decree passed by the land acquisition tribunal, this appeal is dismissed. No order as to costs.

Sd/
Asst.Registrar

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Sub Asst.Registrar

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To

1. The Additional Subordinate Judge
Vellore.

2. The Record Keeper,
V.R.Section, High Court, Madras.

1 cc To The Government Pleader, SR.70270.

A.S.No.852 of 1996

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